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November 10, 2021

Honorable Denise L. Cote
U.S. District Court for the Southern District of New York
500 Pearl St.
New York, NY 10007

Re: *Federal Trade Commission v. Vyera Pharmaceuticals, LLC et al.*, No. 20-cv-706-DLC

Dear Judge Cote:

I write on behalf of Defendants Vyera Pharmaceuticals, LLC and Phoenixus AG (together, "Vyera") in accordance with Your Honor's Order of October 13, 2021, which set a deadline of today for any party or nonparty to make an application to the Court for permission to redact confidential materials contained within the parties' pretrial papers. *See* ECF No. 487. Vyera has carefully reviewed the pretrial papers and has identified select materials that reflect highly sensitive commercial or personal information, the public disclosure of which would cause harm to Vyera or to the affected individuals. A list of those materials, and an explanation of the need for confidentiality, is attached as **Exhibit A**. Vyera respectfully requests the Court's permission to file this information in redacted form on the public docket.¹

Finally, please note that because today is also the deadline for the parties to file their reply briefs in support of their *Daubert* motions, Vyera must reserve the right to seek additional protection if any of those reply briefs reflect information that is similarly sensitive.

Respectfully submitted,



Steven A. Reed

*Counsel for Defendants Vyera
Pharmaceuticals, LLC and Phoenixus AG*

CC: All counsel (by ECF)

*Denied, except for the
personal addresses
of employees.*

*Denise Cote
11/12/21*

¹ Please note that because today is also the deadline for nonparties to make similar applications to the Court for permission to file confidential information under seal, we have not appended the underlying documents since doing so would prematurely disclose information that nonparties may wish to keep under seal. *See* Individual Rules in Civil Cases of Hon. Denise L. Cote § 8.

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